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10/734,043	12/11/2003	Valerie M. Bennett	RSW920030296US1	8736

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EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT PAPER NUMBER

2165

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,043	<b>Applicant(s)</b> BENNETT ET AL.	
	<b>Examiner</b> Tomasz Ponikiewski	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/26/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 20-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment filed on September 26, 2006 has been received and entered. Claim 19 has been cancelled. Therefore, claims 1-18, and 20-21 are pending.

2. The Applicant's communication overcomes some objections and rejections under 112.

### ***Claim Objections***

3. Claims 1, 5 and 8 are objected to because of the following informalities: The claims contain a character within a parenthesis which could apply to different meanings. The character could be a reference to a drawing and specification or it could signify a plural form. For example, is it parameters or parameter (see s in fig #)

Claims 1, 5, 8, 11 and 20-21 recite, "can" in line 3. The statement following the recitation then does not need to actually happen.

Claims 1, 5, 8, 11 and 20-21 are objected to because of following informalities: the applicant recites "to allow", in the body of the claims. Allowing does not mean that the action/step is being accomplished. It suggests a capability but not necessarily taking place. It should be removed or changed to "configured to".

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Claims 2-, 6-7, 9-10 and 15-17, are objected to because of following informalities: the applicant recites "thereby" in the body of the claims, therefore stating intended use. Appropriate correction is required.

Claims 11, 20, and 21 recite the word "for" and "usable for" in the body of the claims. It indicates intended use and as such does not carry patentable weight. The word could be changed to recite "to". The limitations following the phrase "for" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "for" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Applicant is required to amend the claims so that the claim limitations are recited in a definite form.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The preamble of claim 20 and 21 recite "system for" and "product for", respectively, which is intended use. To overcome this type of rejection, claim should be amended to recite definite functionality such as "system to" "product to", respectively.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 introduces the use of comparator in order to determine a match which has no support in the specification.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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9. Claims 1-2, 4-6, 8-9, 11-16, 18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (US 6,985,899 B2).

As per claim 1 Chan et al. is directed to A computer implemented method of programmatically building queries, comprising steps of:

programmatically identifying, for a content source, at least one element thereof, each programmatically identified element comprising a candidate queue parameter (figure 5, 504; column 5, lines 26-34; column 6, lines 13-15; wherein "parameters" could mean "predicates"); and

displaying the candidate query parameter(s) on a user interface display configured to allow a user to build a query command to query the content source, wherein the user can select at least one of the displayed candidate query parameter(s) to build the query command (column 6, lines 24-34; column 6, lines 41-44).

As per claim 2 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source, to thereby determine at least one element usable as a candidate query parameter for the user to select when building the query command to query the content source (column 6, lines 28-38).

As per claim 4 Chan et al. is directed to comprising the steps of:

programmatically identifying at least one query extension parameter for the query command, responsive to a request from the user to add at least one query parameter to the query command (column 6, lines 36-38; wherein "extension parameter" could mean "where' clause"; column 6, lines 41-44); and

wherein the displaying step further comprises also displaying each of the at least one programmatically-identified query extension parameters as additional ones of the candidate query parameters (column 6, lines 16-19; column 6, lines 41-44).

As per claim 5 Chan et al. is directed to a computer implemented method of programmatically building queries, comprising steps of:

obtaining, for a content source at least one user identified element thereof, each user identified element identified by a user and comprising a query parameter, (column 6, lines 22-24; column 6, lines 41-44);

programmatically identifying, for at least one of the query parameters, at least one value, each programmatically-identified value comprising a candidate value (figure 2, 206; column 5, line 35; wherein the identified values are listed in dropdown box; column 6, lines 24-34; column 6, lines 41-44); and

displaying the query parameter(s) and for each query parameter, each of the at least one programmatically identified candidate values, on a user interface display configured to allow the user to build a query command to query the content source wherein the user can select at least one of the displayed query parameter(s) and for each selected query parameter at least one of the displayed candidate value (s), to

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build the query command (figure 2, 206; column 5, line 35; column 6, lines 16-19; column 6, lines 41-44).

As per claim 6 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source, to thereby determine at least one element usable as a candidate value for the user to select when building the query command to query the content source (column 6, lines 28-38).

As per claim 8 Chan et al. is directed to a computer implemented method of programmatically building queries, comprising steps of:

programmatically identifying, for each of at least one query parameter to be used when querying a content source, at least one candidate query qualifier, wherein each candidate query qualifier specifies a comparator to use in determining a match; (figure 5, 504; column 6, lines 13-15; wherein "parameters" could mean "predicates"; column 6, lines 24-34; column 6, lines 41-44); and

displaying the query parameter(s), and for each query parameter, each of the at least one candidate query qualifier(s) on a user interface display configured to allow a user to build a query command to query the content source, wherein the user can select at least one of the displayed query parameter(s) and for each selected query parameter one of the displayed candidate query qualifier(s) to build the query command. (column 6, lines 16-19; column 6, lines 24-34; column 6, lines 41-44).



As per claim 9 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source; to thereby determine at least one element usable as a candidate query qualifier for the user to select when building the query command to query the content source (column 6, lines 28-38).

As per claim 11 Chan et al. is directed to a computer implemented method of programmatically building queries, comprising steps of:

obtaining a set of one or more query parameters for querying a content source (figure 5, 504; column 6, lines 13-15; wherein “parameters” could mean “predicates”);

programmatically identifying, for the obtained set of query parameters, one or more candidate extensions thereto which are usable for querying the content source, each of the candidate extensions comprising an additional query parameter for querying the content source (column 6, lines 16-19; column 6, lines 24-34; column 6, lines 41-44);

and displaying the set of query parameters and the programmatically identified candidate extensions thereto as an extended set of query parameters on a user interface display configured to allow a user to build a query command to query the content source wherein the user can select at least one of the query parameters from the extended set to build the query command (figure 2, 206; column 5, line 35; column 6, lines 16-19; column 6, lines 41-44).

As per claim 12 Chan et al. is directed to the obtaining step further comprises obtaining the set as input from a user (column 6, lines 22-23).

As per claim 13 Chan et al. is directed to the obtaining step further comprises programmatically determining the set (column 6, lines 23; wherein “determining the set” may mean “common predicates”).

As per claim 14 Chan et al. is directed to comprising the steps of:  
programmatically identifying at least one query extension parameter for the query, responsive to a request from the user to add at least one query parameter to the set (column 6, lines 22-23; column 6, lines 24-34);

and displaying each of the programmatically identified query extension parameter(s), in addition to the set of query parameters and the programmatically identified candidate extensions thereto as the extended set of query parameters (figure 2, 206; column 5, line 35; column 6, lines 16-19; column 6, lines 41-44).

As per claim 15 Chan et al. is directed to programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source, to thereby determine at least one element usable as a candidate extension for the user to select when building the query command to query the content source (column 6, lines 28-38).

As per claim 16 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using one or more of the obtained query parameters, to thereby determine at least one element usable as a candidate extension for the user to select when building the query command to query the content source. (figures 9a; column 6, lines 26-28).

As per claim 18 Chan et al. is directed to comprising the step of:  
using the query command, built by the user by selecting at least one of the query parameters from the extended set, to query the content source (figure 2, 206; column 5, lines 33-39).

As per claim 20 Chan et al. is directed to a system for programmatically building queries, comprising:

means for obtaining a set of one or more query parameters for querying a content source (figure 5, 504; column 6, lines 13-15; wherein "parameters" could mean "predicates");

means for programmatically identifying, for the obtained set of query parameters, one or more candidate extensions thereto which are usable for querying the content source, each of the candidate extensions comprising an additional query parameter for querying the content source (figure 2, 206; column 5, line 35; wherein the identified

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values are listed in dropdown box; column 6, lines 16-19; column 6, lines 24-34; column 6, lines 41-44)

and means for displaying the set of query parameters, and the programmatically identified candidate extensions thereto, as an extended set of query parameters on a user interface display configured to allow a user to build a query command to query the content source wherein the user can select at least one of the query parameters from the extended set to build the query command (figure 2, 206; column 5, line 35; column 6, lines 16-19; column 6, lines 41-44).

As per claim 21 Chan et al. is directed to a computer program product for programmatically building queries, the computer program product embodied on one or more computer-readable storage media and comprising:

computer-readable program code for obtaining a set of one or more query parameters for querying a content source (column 5, lines 18-19; column 6, lines 13-15; wherein "parameters" could mean "predicates"); and

computer-readable program code for programmatically identifying, for the obtained set of query parameters, one or more candidate extensions thereto which are usable for querying the content source, each of the candidate extensions comprising an additional query parameter for querying the content source (figure 2, 206; column 5, lines 18-19; column 5, line 35; wherein the identified values are listed in dropdown box; column 6, lines 16-19; column 6, lines 24-34; column 6, lines 41-44); and

computer readable program code for displaying the set of query parameters, and the programmatically identified candidate extensions thereto, as an extended set of query parameters on a user interface display configured to allow a user to build a query command to query the content source, wherein the user can select at least one of the query parameters from the extended set to build the query command (figure 2, 206; column 5, line 35; column 6, lines 16-19; column 6, lines 41-44).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 7, 10, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,985,899 B2) in view of Dean et al. (US 6,055,512).

As per claim 3, 7, 10, and 17 Chan et al. does not teach the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the user, to thereby determine at least one element usable as a candidate query parameter for the user to select when building the query command to query the content source.

Dean et al. teaches the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the user, to thereby

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determine at least one element usable as a candidate query parameter for the user to select when building the query command to query the content source (Dean et al.; abstract; column 5, lines 49-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Chan et al. with teachings of Dean et al. to include teaches the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the user, to thereby determine at least one element usable as a candidate query parameter for the user to select when building the query command to query the content source because it may specify one or more data sources from which services of interest to the user could be provided (Dean et al., abstract).

### ***Response to Arguments***

12. Applicant's arguments filed 9/26/2006 have been fully considered but they are not persuasive.

Applicant's argument that Chan et al. does not teach programmatically identifying at least one element is not deemed persuasive.

Chan et al. teaches that predicates are resolved from user inputs and any commonly used ones. Therefore if not inputted by user the predicates are programmatically identified. The command is build automatically based on criteria supplied by user.

As per applicant's argument to claim 5 it is not deemed persuasive.

Chan et al. teaches that joint predicates are identified by use as such are user identified and the values could be the information from source table selected previously and having their relationship programmatically identified.

All other arguments are answered above, as the arguments are the same but repeated.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski  
November 5, 2006

  
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